

JUL 28 2010

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

KENNETH EDWARD BARBOUR, ) Civil Action No. 7:10-cv-00317  
Plaintiff, )  
 )  
v. ) ORDER  
 )  
GENE M. JOHNSON, et al., ) By: Hon. James C. Turk  
Defendants. ) Senior United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby

**ORDERED**

that plaintiff's motion to proceed in forma pauperis is **DENIED**; the complaint is **DISMISSED without prejudice**, pursuant to 28 U.S.C. § 1915(g); it is **CERTIFIED** that an appeal of this order would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3); and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 28<sup>th</sup> day of July, 2010.

*James C. Turk*  
Senior United States District Judge